

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEMKO CORPORATION,

Plaintiff,

v.

**MICROSOFT CORPORATION and
AFFIRMED NETWORKS, INC.,**

Defendants.

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Civil Action No. **3:22-CV-363-L-BT**

ORDER

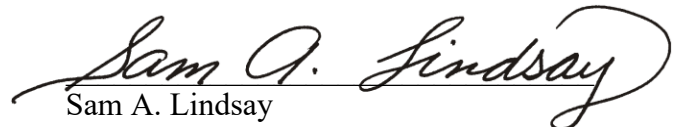
On April 10, 2025, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 90) was filed, recommending that the court grant in part and deny in part Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint for Patent Infringement Under Federal Rule of Civil Procedure 12(b)(6) (“Motion”) (Doc. 85). In this regard, the Report recommends that Defendants’ Motion be granted with respect to Plaintiff’s claims for contributory patent infringement and denied in all other respects. No objections to the Report were filed and the 14-day deadline for doing so has expired.

Having considered the Motion, pleadings, and Report, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **grants in part and denies in part** Defendants’ Motion (Doc. 85). The Motion is **granted** as to Plaintiff’s contributory patent infringement claims, which are **dismissed with prejudice**. The Motion is otherwise **denied**.

As Plaintiff is represented by competent counsel and did not file objections to the Report or seek leave to further amend its pleadings regarding its contributory patent infringement claims, the court determines that Plaintiff has pleaded its “best case” as to these claims, and that further

amendment would be futile and unnecessarily delay the resolution of this litigation. Additionally, in ruling on Defendants' prior Motion to Dismiss, the court allowed Plaintiff to amend its pleadings but warned that this would be the final time it would allow Plaintiff to amend its pleadings to cure various pleading deficiencies. Accordingly, Plaintiff will not be allowed to further amend its pleadings.

It is so ordered this 4th day of June, 2025.


Sam A. Lindsay
United States District Judge